

Department of the Interior
U.S. Fish & Wildlife Service
Pacific Regional Office
911 NE 11th Avenue
Portland, Oregon 97232-4181
Phone: 503/231-6121
Fax: 503/231-2122
<http://pacific.fws.gov>

News Release



September 1, 2004

04-88

Contact: David Patte, 503-231-6121

Five-year Review of Marbled Murrelet Completed

The U.S. Fish and Wildlife Service has completed its formal 5-year review of the marbled murrelet, a threatened species protected under the Endangered Species Act.

As a result of its review, the Service has concluded that the population of marbled murrelets in California, Oregon and Washington does not satisfy the criteria for designation as a Distinct Population Segment (DPS) under the Service's 1996 DPS policy.

The announcement will have no immediate effect on the current legal protections afforded to the species.

The original listing determination for the marbled murrelet was made in 1992, prior to the Service's 1996 DPS policy. That policy states that DPS designations made prior to the 1996 policy would be reviewed as a part of any 5-year review.

Based on its analysis that the population does not qualify as a DPS, the Service has decided to conduct a status review of the entire species. "While the marbled murrelet in the three-State region does not qualify as a DPS, the question of whether the population in California, Oregon and Washington constitutes a significant portion of the range of the species, or whether the species as a whole is at risk of extinction, must be addressed before we take any action to affect the status of the murrelet as a threatened species under the Endangered Species Act," said Dave Allen, Regional Director of the Service's Pacific Region. Delisting or reclassifying the marbled murrelet under the Endangered Species Act will require a separate rulemaking, involving public notice and comment.

The 5-year review, required by the Endangered Species Act, considered all information that has become available since the original listing of the marbled murrelet, such as: population and demographic trend data; genetics; species competition; habitat condition; adequacy of existing regulatory mechanisms; and management and conservation planning information.

The DPS analysis reviewed whether the California, Oregon and Washington distinct population segment could be considered to be discrete, as required under the 1996 DPS policy. The results show that there are no marked separation of physical, physiological, ecological or behavioral differences at the U.S./Canadian border, and no

significant evidence of genetic or morphological discontinuity between populations at the U.S./Canadian border. The results further show that there are no differences in control, exploitation, management of habitat, conservation status, or regulatory mechanisms across the international border that are significant.

If a population segment were to be considered discrete under one or more of the above conditions, its biological and ecological significance would then be considered in light of Congressional guidance that the authority to list DPS's be used "...sparingly" while encouraging the conservation of genetic diversity. Congress amended the ESA in 1978 to provide that the term "species" encompass "any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature."

The term "distinct population segment" is not found in scientific literature, nor defined under the ESA. Therefore, a Distinct Population Segment policy was developed with the public's input and finalized in 1996.

The review can be found at <http://pacific.fws.gov/ecoservices/endangered/recovery/5yearcomplete.html>

The Service agreed to conduct the 5-year review of the marbled murrelet following a lawsuit filed by the American Forest Resources Council. The agency also is conducting a 5-year review of the northern spotted owl, in accordance with the settlement of a lawsuit filed by the Western Council of Industrial Workers. The northern spotted owl was listed as a threatened species in 1990. That review is expected to be completed in the fall of 2004.

Research and monitoring programs for both of these species are being implemented on Federal and non-Federal (state, private, tribal) lands. As a result, a large body of new information has become available. Although this information has been made public throughout the past decade, and the Service has continued to use the best available data in carrying out its ESA responsibilities, this information had previously not been evaluated under the ESA's 5-year review process.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The Service manages the 95-million-acre National Wildlife Refuge System, which encompasses 544 national wildlife refuges, thousands of small wetlands and other special management areas. It also operates 69 national fish hatcheries, 64 Fish and Wildlife Management offices and 81 ecological services field stations. The agency enforces federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. It also oversees the Federal Assistance program, which distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.